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IPIB AO 2015-09

December 17, 2015

SUBJECT: Training Sessions and Materials

Kevin Kilgore  
1695 115<sup>th</sup> Street  
Diagonal, Iowa 50845

Dear Mr. Kilgore:

This opinion is in response to your letters of October 1, 2015, and November 9, 2015, requesting an opinion from the Iowa Public Information Board (IPIB) pursuant to Iowa Code section 23.6 and rule 497—1.2. We note at the outset that IPIB's jurisdiction is limited to the application of Iowa Code chapters 21, 22, and 23, and rules in Iowa Administrative Code chapter 497. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

**FACTUAL STATEMENT:**

You inform us that persons from government attend training sessions that are sponsored by both government and non-government entities. You have questions concerning the application of Iowa Code chapters 21 and 22 to such training sessions.

**QUESTIONS:**

1. Is a training session a public meeting?
2. Are training session materials public records?
3. What statutory basis exists for non-government entities to hold training sessions?
4. What government entity is responsible for providing oversight or validation of training session materials conducted by a non-government entity?
5. What process exists to hold the presenter accountable for training session materials to comply with the Iowa Code?

**Board Members**

Robert Andeweg • Anthony Gaughan • Jo Martin • Andrew McKean • Gary Mohr • William Monroe  
Kathleen Richardson • Suzan Stewart • Peggy Weitzl

OPINION:

Under the definition of “meeting” in Iowa Code section 21.2(2), training sessions would generally not meet that definition as there is no “deliberation or action upon any matter within the scope of the governmental body’s policy-making duties.” If a governmental body holds a training session as part of a public meeting, then the agenda for the meeting would need to include that item. If there was a situation where for some reason a majority of the members of a governmental body were attending a training session and began to deliberate or take action “upon any matter within the scope of the governmental body’s policy-making duties” then that would become a “public meeting” and fall within the requirements of Iowa Code chapter 21.

Training session material created by a governmental body would be a “public record” under Iowa Code section 22.3. Training material that was created by a non-governmental entity would be a “public record” under Iowa Code section 22.3 when the material is in the possession of an official or employee of a governmental body.<sup>1</sup>

Your final three questions raise issues not under IPIB’s jurisdiction to answer. We do note that training sessions and materials are intended to assist individuals in government and the public in complying with the appropriate laws and administrative rules. However, these sessions and materials do not take the place of the Code of Iowa or the Iowa Administrative Code. As such, anyone who has questions on whether or not certain conduct is lawful should check the relevant laws and rules and consult with the appropriate governmental body as opposed to simply relying on training session materials.

In closing, we note that this opinion is limited to answering the questions you raised and does not speak to the merits of any training sessions or materials that exist.

BY DIRECTION AND VOTE OF THE BOARD

Suzan Stewart, Chair  
Kathleen Richardson, Vice Chair  
Robert Andeweg  
Anthony Gaughan  
Jo Martin  
Andrew McKean  
Gary Mohr  
William Monroe  
Peggy Weitzl

Submitted by: W. Charles Smithson, IPIB Director

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<sup>1</sup> The Board is speaking solely to the application of Iowa Code chapter 22 and is not speaking to any copyright laws or to any requirements concerning how long training session materials are required to be retained as the Board does not have jurisdiction over those issues.